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ing from the opinion of Depue, J., in *Camden & A. R. Co. v. May's Landing, etc. Co.*, 48 N. J. L. 530, 7 Atl. 523, he says of *Ultra Vires*: "In its legitimate use, the expression should be applied only to such acts as are beyond the powers of the corporation itself," and not loosely applied, as many courts often do, to mere excessive use of authority by the members, directors, or officers, or to acts which do not conform to charter requirements (pp. 202-04). It is such preciseness of thought and language that makes this work valuable to the student.

DALE M. PARKER.

INTERNATIONAL REALITIES. By Philip Marshall Brown. New York: Charles Scribner's Sons. 1917. pp. xvi, 233.

Says Professor Brown: "Since the Great War began I have been conscious with many others, of the urgent necessity of a thorough reconstruction of the law of nations in accordance with the big facts of international life. I have set myself the task of endeavoring to ascertain the fundamental values in international relations." What these big facts, these fundamental values, are, we never learn.

The function of international law, the author insists, is not to regulate war — such a conception is "essentially paradoxical and unsound." He then proceeds to explain (p. 3) that wars must be waged "with due respect to the rights of humanity," and that neutral interests must be protected. After spending several pages wondering whether international law is law, he finally decides that it is, apart from its status as municipal law, because the Supreme Court of the United States has said so (p. 20). This conception of the Supreme Court's power is most interesting. There is one great principle, ruled our first Chief Justice in a case too famous to be unknown to Professor Brown, "that all the members of a civil community are bound to each other by compact. The compact between the community and its members is, that the community will protect its members . . ." ¹ Here is *Contrat Social* pure and simple, and by the Chief Justice of the United States; yet Professor Brown, in his chapter entitled "Nationalism," dismisses the Social Compact with a scant line, as the speculation of a theorist. Apparently he believes that a United States court can make one star to shine, but not another. The truth is, that no court of the United States has, or ever has had, jurisdiction to adjudicate any question of international law as such, much less to declare international law's validity as law.²

This chapter "Nationalism" contains elaboration at length of such profound truths as that "geographical location frequently has much to do with the formation of States." So also, "the existence of a common enemy has served . . . to foster a national community of interest." Professor Brown wholly fails to understand criticisms of nationalism; indeed, he makes no attempt to comprehend, but unhesitatingly distorts and condemns.

Arbitration Professor Brown would restrict to causes too trivial to quarrel over; every question of importance should be settled by diplomacy or by war. Arbitration, even by a super-national court, can settle nothing finally; while war, he says, can and does so settle. To Mr. Norman Angell is here (p. 75) attributed the curious statement that "there never was a good war or an honorable peace." Whenever Professor Brown desires to clinch his arguments against pacifism, he knocks down Mr. Angell for a "materialist," and quotes a new form of this statement — always inclosed in quotation marks, which Professor Brown apparently intends as a warning of more than usual inaccuracy.

¹ Trial of Isaac Williams, 2 Cranch *83 a; WHARTON, STATE TRIALS OF THE UNITED STATES, 652, 653.

² Cf. 2 WESTLAKE, INTERNATIONAL LAW, 2 ed., 317, 318.

Democracy should not supplant diplomacy, the author holds, since diplomacy is far more competent. This superior competency is proved, first, by the fact that America has in the past possessed some able diplomats. Professor Brown would no doubt be astonished at the idea that the more efficient its agents are, the more dangerous may diplomacy be as a means of transacting international business. The second proof is, that American democracy, by showing restraint and by reposing confidence in the President in times of international stress, has "confessed its own sense of incapacity to handle foreign affairs." The third proof is that democracy's feeling would run so high, at critical times, that unnecessary wars would be precipitated.

Professor Brown opposes the establishment of a super-national court, as has been intimated. He likewise severely criticises the work of the newly formed American Institute of International Law, which has endeavored to formulate the rights of states, and, more recently, has produced the Code of Maritime Neutrality.³ Opposing as he does both the rational codification and the super-national interpretation of international law, it is natural that Professor Brown should likewise oppose any proposition (such as that of the League to Enforce Peace) to enforce it. His faith is placed in the trinity of war, diplomacy, and the somewhat vague "complete, just understanding between the nations."

The book impels one to a belief in some relentless law of diminishing deserts, that operates upon the reputations of American writers upon international law. The present preponderance of shallow thinking concerning international relations is the most dangerous phase of national unpreparedness.

RAEBURN GREEN.

HANDBOOK OF THE LAW OF TORTS. By H. Gerald Chapin. St. Paul: West Publishing Co. 1917. pp. xiv, 695.

DIGEST OF WORKMEN'S COMPENSATION LAWS IN THE UNITED STATES AND TERRITORIES, with annotations. 1916 Supplement, revised to November 1, 1916. New York: Workmen's Compensation Publicity Bureau.

THE PUBLIC DEFENDER, a Necessary Factor in the Administration of Justice. By Mayer C. Goldman. New York and London: G. P. Putnam's Sons. 1917.

THE ELEMENTS OF JURISPRUDENCE. By Thomas Erskine Holland. Twelfth Edition. New York and London: Oxford University Press. 1917. pp. xxv, 454.

BLOCKADE AND CONTRABAND. By A. Maurice Low. Washington. pp. 16.

MANUALS OF EMERGENCY LEGISLATION: DEFENCE OF THE REALM MANUAL. Edited by Alexander Pulling. Second Enlarged Edition. London: H. M. Stationery Office. 1916. pp. vii, 282.

BETTER CITY PLANNING FOR BRIDGEPORT. By John Nolen. With a Report on Legal Methods of Carrying out the Changes Proposed. By Frank Backus Williams. 1916. pp. xx, 159.

CASES AND READINGS ON THE JURISDICTION AND PROCEDURE OF THE FEDERAL COURTS. By George W. Rightmire. Cincinnati: W. H. Anderson Company. 1917. pp. xvi, 892.

STATUTE LAW-MAKING IN IOWA. Edited by Benjamin F. Shambaugh. Applied History, Volume III. Iowa City: The State Historical Society of Iowa. 1916. pp. xvii, 718.

CASES IN QUASI-CONTRACT SELECTED FROM DECISIONS OF ENGLISH AND AMERICAN COURTS. By Edward S. Thurston. American Case-Book Series. St. Paul: West Publishing Co. 1916. pp. xv, 622.

³ Published in full in THE CHRISTIAN SCIENCE MONITOR, January 25, 1917.